



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBs0392/1
PJK:kmg:hmh

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 524**

March 14, 2000 - Offered by COMMITTEE ON FAMILY LAW.

1 **AN ACT to repeal** 767.115 (1) (b) and 767.115 (4); **to renumber and amend**
2 767.115 (1) (a) and 767.115 (2); **to amend** 767.07 (1), 767.115 (title), 767.115
3 (1m) and 767.115 (3); and **to create** 767.115 (1) (a) 1., 767.115 (1) (a) 2., 767.115
4 (1) (a) 3., 767.115 (1) (bm), 767.115 (2) (b) and 767.115 (2) (c) of the statutes;
5 **relating to:** requiring parties to an action affecting the family to attend an
6 educational parenting program.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

7 **SECTION 1.** 767.07 (1) of the statutes is amended to read:
8 767.07 (1) The requirements of this chapter as to residence and marriage
9 ~~assessment counseling~~ attendance at the educational program under s. 767.115 (1)
10 (a) have been complied with;

11 **SECTION 2.** 767.115 (title) of the statutes, as affected by 1999 Wisconsin Act 9,
12 is amended to read:

1 **767.115 (title) Educational programs and classes program in actions**
2 **affecting the family.**

3 **SECTION 3.** 767.115 (1) (a) of the statutes is renumbered 767.115 (1) (a) (intro.)
4 and amended to read:

5 767.115 (1) (a) (intro.) ~~At any time during~~ During the pendency of an action
6 affecting the family in which a minor child is involved ~~and in which the court or~~
7 ~~family court commissioner determines that it is appropriate and in the best interest~~
8 ~~of the child, the court or family court commissioner, on its own motion, may shall~~
9 order the parties to attend a program specified by the court or family court
10 commissioner ~~concerning the effects on a child of a dissolution of the marriage. that~~
11 provides instruction on or training in any of the following that the court or family
12 court commissioner determines is appropriate in the particular case:

13 **SECTION 4.** 767.115 (1) (a) 1. of the statutes is created to read:

14 767.115 (1) (a) 1. The effects on a child of divorce.

15 **SECTION 5.** 767.115 (1) (a) 2. of the statutes is created to read:

16 767.115 (1) (a) 2. Working together in the best interest of the child.

17 **SECTION 6.** 767.115 (1) (a) 3. of the statutes is created to read:

18 767.115 (1) (a) 3. Parenting or coparenting skills, or both.

19 **SECTION 7.** 767.115 (1) (b) of the statutes is repealed.

20 **SECTION 8.** 767.115 (1) (bm) of the statutes is created to read:

21 767.115 (1) (bm) In the discretion of the court or family court commissioner, the
22 parties shall not be required to attend a program under par. (a) if the court or family
23 court commissioner finds that attending such a program would cause undue
24 hardship or endanger the health or safety of one of the parties. In making a
25 determination of whether attending a program under par. (a) would endanger the

1 health or safety of one of the parties, the court or family court commissioner shall
2 consider the following:

3 1. Evidence that a party engaged in abuse, as defined in s. 813.122 (1) (a), of
4 the child, as defined in s. 48.02 (2).

5 2. Evidence of interspousal battery, as described under s. 940.19 or 940.20 (1m),
6 or domestic abuse, as defined in s. 813.12 (1) (a).

7 3. Evidence that either party has a significant problem with alcohol or other
8 drug abuse.

9 4. Any other evidence indicating that a party's health or safety will be
10 endangered by attending a program.

11 **SECTION 9.** 767.115 (1m) of the statutes is amended to read:

12 767.115 (1m) A program under sub. (1) (a) shall be educational rather than
13 therapeutic in nature and ~~may not exceed a total of~~ shall include at least 4 hours in
14 length of instruction or training. The parties shall be responsible for the cost, if any,
15 of attendance at the program. The court or family court commissioner may
16 specifically assign responsibility for payment of any cost. No facts or information
17 obtained in the course of the program, and no report resulting from the program, is
18 admissible in any action or proceeding.

19 **SECTION 10.** 767.115 (2) of the statutes is renumbered 767.115 (2) (a) and
20 amended to read:

21 767.115 (2) (a) ~~Notwithstanding s. 767.07~~ Except as provided in par. (b), the
22 court or family court commissioner may require the parties to an action affecting the
23 family in which a minor child is involved to attend a program under sub. (1) (a) as
24 a condition to the granting of a final judgment or order in the action affecting the
25 family ~~that is pending before the court or family court commissioner~~.

1 **SECTION 11.** 767.115 (2) (b) of the statutes is created to read:

2 767.115 (2) (b) If the parties were not ordered to attend a program under sub.
3 (1) (a) because the court or family court commissioner found under sub. (1) (bm) that
4 attending would cause undue hardship or endanger the health or safety of one of the
5 parties, the court or family court commissioner may not condition the granting of the
6 final judgment or order in the action affecting the family on attending a program.

7 **SECTION 12.** 767.115 (2) (c) of the statutes is created to read:

8 767.115 (2) (c) The court or family court commissioner may refuse to hear a
9 custody or physical placement motion of a party who refuses to attend a program
10 ordered under sub. (1) (a).

11 **SECTION 13.** 767.115 (3) of the statutes is amended to read:

12 767.115 (3) A party who fails to attend a program ordered under sub. (1) (a) or
13 to pay costs specifically ordered under sub. (1m) may be proceeded against under ch.
14 785 for contempt of court.

15 **SECTION 14.** 767.115 (4) of the statutes, as created by 1999 Wisconsin Act 9, is
16 repealed.

17 **SECTION 15. Initial applicability.**

18 (1) REQUIREMENT TO ATTEND EDUCATIONAL PROGRAM. This act first applies to
19 actions commenced on the effective date of this subsection.

20 **SECTION 16. Effective dates.** This act takes effect on the day after publication,
21 except as follows:

22 (1) The treatment of section 767.115 (title) and (4) of the statutes takes effect
23 on May 1, 2000, or on the day after publication, whichever is later.

24

(END)